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U.S. Department of Justice

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PRESS RELEASE

**CITY OF BROCKTON, MASSACHUSETTS AGREES TO IMPROVE SEWAGE
TREATMENT SYSTEM AND PAY \$120,000 FINE**

Boston, MA. . . Robert W. Varney, Regional Administrator for the Environmental Protection Agency's New England Office; United States Attorney Michael Sullivan; Thomas Reilly, Massachusetts Attorney General; and Robert Golledge, Commissioner of the Massachusetts Department of Environmental Protection, today announced an agreement with the **CITY OF BROCKTON**, Massachusetts which settles alleged violations of federal and state clean water laws and government-issued permits. A civil Complaint and Consent Decree were simultaneously filed today in U.S. District Court in Boston. The Commonwealth also moved to intervene and filed its own Complaint.

Under the Consent Decree, **BROCKTON** will pay a \$120,000 fine and invest in a \$95 million sewage treatment upgrade to resolve allegations that the city's publicly-owned treatment works (POTW) had discharges that violated limits for phosphorous, total residual chlorine, fecal coliform, and ammonia, among other pollutants. **BROCKTON** also will undertake three Supplemental Environmental Projects.

"We are pleased that the upgrades to Brockton's treatment plant, which the City has already begun to implement, will reduce the risk to public health, as well as aquatic ecosystem damage" to the Salisbury Plain River, said Robert W. Varney, Regional Administrator for EPA's New England office.

The civil Complaint alleges that **BROCKTON** failed to comply with the Clean Water Act in operation of its POTW, and violated its National Pollutant Discharge Elimination System ("NPDES") permit by exceeding concentration limits for certain effluents. "The injunctive relief required by the Consent Decree is a victory for public health," observed U.S. Attorney Michael Sullivan. "All Cities and towns must meet the requirements of the Clean Water Act - or be forced to undertake remedial measures through an enforcement action." Sullivan noted the city's agreement to upgrade its wastewater collection and treatment system, and "to implement three

significant Supplemental Environmental Projects," in addition to payment of a fine for the past violations.

The Supplemental Environmental Projects include a post-upgrade water quality assessment of the Salisbury Plain River; contracting for a study to investigate Region-wide alternatives for wastewater treatment, and a pilot program to test for lead in drinking water at the city's public schools.

The Supplemental Environmental Projects that City has agreed to undertake will greatly benefit the Salisbury Plain River and the citizens of Brockton. By agreeing to assess the water quality of the river after it completes construction of the upgrade to its treatment plant, the City will be developing valuable data on the health of the river that will enable regulators to better manage this valuable resource.

By also agreeing to investigate wastewater treatment alternatives for southeastern Massachusetts, the City will be addressing concerns raised by other communities in the area. These communities are looking for ways to dispose of their wastewater in a manner consistent with the state and federal environmental laws. Developing options such as ground discharges and decentralized treatment units will allow for growth in these communities without harming the environment.

The pilot to test for lead in drinking water at the city schools will benefit the City's children. Since Brockton has a large minority and low-income population, the pilot will especially benefit children in this vulnerable segment.

"Brockton's commitment to correct the problems with its system should be an example to other communities in violation of federal and state laws" concerning clean water, said Massachusetts Attorney General Tom Reilly. Reilly also praised "the effective cooperation" among the federal and state government, with the City, to reach an agreement that would provide "enhanced protections to public health and the environment." Thanks to the joint enforcement efforts of the US Attorneys office, EPA, the Attorney General's Office and the Massachusetts DEP, Reilly said, "very positive steps are being taken to protect an important natural resource."

Under the settlement announced today, **BROCKTON** will pay a total penalty of \$120,000 (\$60,000 to the federal government, and \$60,000 to the Commonwealth of Massachusetts). It will be required to complete three phases of the POTW upgrade project. Phase I has begun and operation will commence in December 2006. The contract for Phase II was awarded in February, and that work will be completed by March 2008. The City is required under the Consent Decree to award the contract and issue a notice to commence work for Phase III of the upgrade project by this coming fall.

DEP Commissioner Robert Golledge praised the work of the technical personnel who addressed complicated issues in the design of the upgrade project. "DEP personnel have been in regular contact with City engineers and contractors, making sure the upgrade project went forward, even as details of the Consent Decree were being worked out." The result, he said, "is

Defendant.

[illegible]

CIVIL ACTION NO. 06-11334-NMG

Motion allowed. SKM/Goten, 3/12/13